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HEALTH HERO NETWORK, INC.

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
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13 ALERE MEDICAL, INC., a California
Corporation,

14 Plaintiff,

15 v.

16 HEALTH HERO NETWORK, INC., a California
17 Corporation,

18 Defendant.
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CASE NO.: C 07-05054 (CRB)

**DECLARATION OF DR. SANDEEP
JAGGI IN SUPPORT OF HEALTH
HERO'S SUPPLEMENTAL BRIEF**

AND RELATED COUNTERCLAIMS

**DECLARATION OF DR. SANDEEP JAGGI
IN SUPPORT OF HEALTH HERO'S SUPPLEMENTAL BRIEF**

I, Dr. Sandeep Jaggi, hereby declare that:

1. I am over the age of 18 and have personal knowledge about the facts described below.

2. I am Senior Vice President, Intellectual Property, General Counsel and Corporate Secretary for Health Hero Network, Inc. ("Health Hero"). I submit this declaration in support of Health Hero's Supplemental Brief.

3. Health Hero is an innovator in the field of technology solutions for remote health monitoring and management. Health Hero's solutions, including its Health Buddy® appliance, have demonstrated improved quality of care and cost savings in numerous published reports in medical literature, while winning industry awards as the best enabling technology for disease management.

4. Health Hero's innovations and experience in remote health monitoring and management are reflected in 61 issued U.S. patents and over 120 pending applications. Health Hero has entered into multiple license agreements with medical device and technology companies who have recognized the value of its patented technology to their activities. Health Hero is also in license negotiations with others.

5. Leading healthcare institutions working with Health Hero include The Veterans Health Administration, McKesson Corporation, Sananet B.V., Centers for Medicare and Medicaid Services, American Medical Alert Corporation, APS and others.

6. Health Hero initiated patent license negotiations with Alere in August 2006. In the subsequent months, Health Hero and Alere representatives discussed several Health Hero patents and pending applications, including the seven Health Hero patents at issue in this California action and U.S. Patent No. 7,223,236 at issue in Illinois. Though Health Hero prefers a business resolution that allows it to make its technology widely available through non-exclusive licensing, it was forced to file an action for patent

1 infringement against Alere after discussions regarding the Health Hero patents failed to
2 result in an agreement.

3 7. Chicago, Illinois is the location in which Health Hero has chosen to make
4 a consolidated effort to enforce its patent rights.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct.

7 Executed on November 12, 2007, at Palo Alto, California.

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Dr. Sandeep Jaggi